

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and the remarks made herein.

Claims 1-23 are pending. Claims 1-3, 6-8, 11-13, 16, 17, 20 and 21 have been rejected. Claims 4, 5, 9, 10, 14, 14, 18, 19, 22 and 23 are objected to but would be allowed if rewritten in independent form. Claims 1, 4, 6, 9, 12, 14, 16, 18, 20 and 22 have been amended. No new matter has been added. Support for the amendments may be found in at least the subject matter that was removed from the dependent claims and incorporated into the corresponding independent claims. Claim 13 has been cancelled.

Claim 23 has been objected to for including informalities.

Applicant thanks the examiner for his observation and, in response, has amended claim 23 to remove the informality objected-to.

Having amended claim 23 to remove the objected-to informality, applicant submits that the objection has been overcome and respectfully requests that the objection be withdrawn.

Claims 6 and 12 have been rejected under 35 USC §112, second paragraph, as being indefinite and containing language that lacks proper antecedent basis.

Applicant thanks the examiner for his observation and has amended claims 6 and 12 to provide proper antecedent basis of the subjected matter recited in the Office Action.

Having amended the claim to provide proper antecedent basis, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 1-3, 12, 13, 16, 17, 20 and 21 have been rejected under 35 USC §102(b) as being anticipated by Ran (USP no. 5,768,533).

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, applicant has elected to amend the independent claims to more clearly state the invention. More specifically, the independent claims have been amended to state that the

predetermined time is updated by the client. No new matter has been added. Support for the amendment may be found in a corresponding dependent claim, which recited the client updating the predetermined time.

Ran teaches a communication system for transmission of segmented video images. To provide for retransmission, Ran teaches the transmitter using a FIFO to maintain recently transmitted image packets. Although not stated explicitly in the Office Action, one could surmise that the length of the FIFO essentially determines the time that an image packet is retained.

It is well recognized that to constitute a rejection pursuant to 35 USC §102, i.e., anticipation, all material elements recited in a claim must be found in one unit of prior art.

Ran cannot be said to anticipate the invention recited in independent claim 1 because Ran fails to disclose material element claimed. More specifically, Ran fails to disclose the element "a predetermined time, which is updated by the client," as is recited in the claim.

Having shown that Ran fails to disclose a material element claimed, applicant submits that the reason for the rejection has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to independent claim 12, 16 and 20, these claims recite subject matter similar to that recited in claim 1 and have been rejected for the same reason used in rejecting claim 1. For the amendment made to claims 12, 16 and 20, which is similar to that made with regard to claim 1, and for the remarks made with regard to claim 1, which are applicable and reasserted, as if in full, herein, applicant submits that claims 12, 16 and 20 include subject matter not disclosed by Ran. Accordingly, claims 12, 16 and 20 are patently distinguishable from, and allowable over, the apparatus disclosed by Ran.

Having shown that Ran fails to disclose a material element claimed, applicant submits that the reason for the rejection has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of claims 12, 16 and 20.

With regard to claims 2-5, 14, 15, 17-19, and 21-23 these claims depend from respective independent claims, which have been shown to be allowable over the cited reference. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claims 6-8 have been rejected under 35 USC §103(a) as being unpatentable over Ran in view of Doshi (USP no. 5,222,061).

Applicant respectfully disagrees with, and explicitly traverses the examiner's reasons for rejecting the claims. A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest **all** the claim limitations.

As has been shown, Ran fails to disclose a client updating a predetermined time for retaining images as is recited in independent claim 6 and Doshi is silent with regard to the client determining the predetermined period. Accordingly, even if the teachings of Ran and Doshi were combined, the combined device would not include all the elements recited in independent claim 6.

Having shown that the combined invention would fail to disclose all the elements claimed, applicant submits that the reason for the rejection has been overcome and can no longer be sustained. Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

With regard to claims 7 and 8, these claims dependent from claim 6, which has been shown to be allowable over the cited references. Accordingly, claims 7 and 8 are also allowable by virtue of their dependency upon an allowable base claim.

Claim 11 has been rejected under 35 USC §103(a) as being unpatentable over Ran in view of Doshi and further in view of Zhu (USP no. 6,085,252).

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims.

Claim 11 depends from claim 6, which has been shown to include subject matter not disclosed by the combination of Ran and Doshi. Zhu is also silent with regard to the element of the predetermined time being updated by the client. Hence, even if the teachings of Ran, Doshi and Zhu were combined, the combined device would not include all the elements recited in claim 11.

Having shown that the combined invention would fail to disclose all the elements claimed, applicant submits that the reason for the rejection has been overcome and can no longer be sustained. Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Applicant wishes to thank the examiner for the indication of allowable subject matter in claims 4, 5, 9, 10, 14, 15, 18, 19, 22 and 23. However, applicant believes that for the amendments made to the claims and for the remarks made herein all the claims are in an allowable form and elects not to amend these claims as suggested by the Office Action. Applicant, however, reserves the right to amend the claims at a later time.

Amendment
Serial No. 09/873,566

Docket No. US010269

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date: February 28, 2005

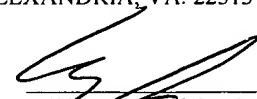
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